

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
January 25, 2010

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; DONNA OSBORNE, SELECTMAN; JAMES DONISON, SELECTMAN; KEITH R. LACASSE, SELECTMAN

TOWN ADMINISTRATOR: Naomi Bolton

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Frank Campana, Tina Connor

7:00 p.m. Chairman Clow called the meeting to order.

MANIFESTS

Chairman Clow moved, Selectman Lacasse seconded, to authorize the Board of Selectmen to sign Manifest and order the Interim Treasurer to sign checks dated January 28, 2010. Passed 5-0-0

Accounts payable	\$298,706.60	(John Stark \$250,000)
Gross Payrolls	<u>\$53,900.71</u>	(Includes Special Detail, Taxes, Credit Union)
Total	\$352,607.31	

FINALIZE 2010 WARRANT

Chairman Clow this is the last time to make any changes to the warrant before it is posted at midnight tonight.

Chairman Clow said the Deliberative Session will be held on Saturday, January 30, 2010 at 9:00 a.m. at the Weare Middle School.

Article 6 – Proposed Budget - Mrs. Bolton said a change needs to be made to line H because a change was made after the budget hearing and the figure needs to be changed on the floor at Deliberative Session. Mrs. Bolton did not want to make the change without the approval of the Board of Selectmen. The Board would like to make the change now and added \$2,920.25 to line H making the proposed \$75,668; the default would stay the same.

Estimated tax impact = \$2.34

Article 7 – Capital Improvement Plan

Estimated tax impact = \$0.29

Article 8 – Road Reconstruction total of \$400,000 with \$138,569.74 to be raised by taxation, with the remainder of \$261,430.26 coming from the Highway Block Grant.

Estimated tax impact = \$0.15

Article 9 – Household Hazardous Waste collection \$6,000

Estimated tax impact = \$0.006

Article 10 – Employee Retirement and Accrual Capital Reserve Fund \$30,000

Estimated tax impact = \$0.03

Article 11 – Shall the Town rescind the provisions of RSA 31:95-c to restrict the revenues from ambulance charges to expenditures for the purpose of a new vehicle replacement and instead establish an Ambulance/establish an EMT/Firefighter Revolving Fund pursuant to RSA 31:95-h, for the purpose of vehicle replacement and funding of per diem EMT/Firefighters? All revenues received from ambulance billing

FINAL

services will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general fund unreserved balance. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the Board of Selectmen and no further approval is required by the town meeting to expend. Such funds may be expended only for the purpose for which the fund was created. Further, to raise and appropriate the sum of Two Hundred Thirty Nine Thousand Three Hundred Fifty Eight Dollars and Seventy Two Cents (\$239,358.72) from the Special Revenue Fund to be placed in the Ambulance/EMT/Firefighter Revolving Fund, said amount representing the balance in the rescinded Special Revenue Fund.

Mrs. Naomi Bolton said she sent the wording to Laura Spector and then to DRA for approval.

Vice Chairman Butt said he does not want it to be called an ambulance fund; he wants it to say "vehicle". Mrs. Bolton said that according to the RSA the word ambulance should be included. It was mentioned that the governing body can place limitations on the fund but cannot expend the definition of the fund. Chairman Clow is hesitant to change the wording, because it has been approved by the town attorney.

Vice Chairman Butt said they are losing revenue, he said between the Capital Reserve and the Special Revenue Fund they had enough money to purchase a fire engine. He said there is \$307,000 currently in the Special Revenue Fund and if they transfer it to the Revolving Fund it would have to be used to purchase an ambulance, not any vehicle, and they won't need an ambulance for seven years. Vice Chairman Butt said they can't allow that to happen, they need the revenue. Vice Chairman Butt the way out of this is to not transfer the \$307,000 out of the Special Revenue Fund. Chairman Clow said they went from three articles to one; the greatest need is to provide the EMT service. Selectman Lacasse asked what if they did not rescind RSA 31:95-c. Mrs. T. Connor said they would have to take out the first and last sentence of the article.

Chairman Clow said there is a fund in place right now that the ambulance charges go into. He said they would have to change it, to lock the money that is there and not add any more and that all future funds will go into the Revolving Fund.

Vice Chairman Butt said the fact that the word "ambulance" is in the article is a big problem and he is concerned with money sitting in the fund that they cannot use. Vice Chairman Butt said they don't need another ambulance for at least another seven years. Chairman Clow said he is looking at it to see if the Legislative body can draw from the fund in the future. Vice Chairman Butt said you can only use the money for what the law allows. Chairman Clow said if they want to leave any portion of that money in the Special Revenue Fund, then they have to redefine the Special Revenue Fund so that no more money is put into it. Selectman Lacasse said they could state in the article that a portion of the money from ambulance billing goes into the fund. Mrs. Bolton read the RSA to say that they may deposit all or any part of the revenue fees. Chairman Clow said it also says that the fund is also being established by the Legislative body. Vice Chairman Butt said they are trying to protect the \$307,000 that is in the fund now, from this point on 100% of the revenue would be going into the Revolving Fund. Vice Chairman Butt said the Special Revenue Fund should be closed in the sense that they are not going to be depositing any future money because the money for per diems would come out of the Revolving Fund.

Chairman Clow said if they were to have a breakdown 80/20 then it needs to be done at the time of establishing the fund. Chairman Clow said the state is very strict on how Revolving Funds are set up and what they can be used for and they can't determine the % after the article is established. Chairman Clow said they should figure out a way not to rescind the Special Revenue Fund so as not to tie up the \$307,000 and then state the amount of the future revenues going into the Revolving Fund. He said they can then review the amount being deposited next year and possibly amend the percentage. Selectman Lacasse said it states if the town establishes the fund, it can deposit all of or part of revenue and does not restrict the money going in. Chairman Clow said he does not disagree, expect the "we" is not the Board of Selectmen it is the Legislative Body.

FINAL

Selectman Lacasse moved, Vice Chairman Butt seconded that Article 11 be written as follows: Shall the Town establish an EMT/Firefighter Revolving Fund pursuant to RSA 31:95-h, for the purpose of funding per diem EMT/Firefighters? A portion of the revenues received from ambulance billing services will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general fund unreserved balance. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the Board of Selectmen and no further approval is required by the town meeting to expend. Such funds may be expended only for the purpose for which the fund was created.

Selectman Donison and Chairman Clow said they are not comfortable with stating a "portion" and feel it should be all. Selectman Lacasse said the remainder would go into the Special Revenue Fund that is already defined. Chairman Clow said he is not sure, that is why he is saying they could come back and review it next year. The Board discussed that the article does allow for vehicle replacement, only rescue, not fire engine. They have preserved the \$307,000 for whatever vehicle, not restricted to just an ambulance.

Vice Chairman Butt said that a Revolving Fund is designed to take in revenue to offset expenditures. He said they are trying to cover per diem and that is the amount of money that should go into the fund, if they put all the revenue in there, there will be \$130,000 in the fund. Vice Chairman Butt would rather have the money go in there to cover the intent of the cost of covering EMT/Firefighters. Vice Chairman Butt said they could take out the word "ambulance" can say strictly for "EMT/Firefighters." Chairman Clow said he won't vote for it because he does not believe it is the law.

The Board discussed that what changed everything is the definition of what the Revolving Fund could cover, they thought it could cover any vehicle, and it seems like it can only cover an ambulance.

Vice Chairman Butt feels they need to state a dollar figure. Mrs. Bolton said the grant specified a dollar amount. Selectman Lacasse asked if that amount will cover the cost of the per diem EMTs and said that to him it makes sense to state whatever it costs to fund the EMTs will be deposited. Vice Chairman Butt said he wants the voters to know the dollar amount to be spent on EMTs. Selectman Lacasse said he is ok with wording the article to state "up to \$90,000". Chairman Clow said you need to be specific with a percentage or a dollar amount to go into the Revolving Fund. Chairman Clow said they will not know the amount they are spending until the end of the year. Vice Chairman Butt said there will be a schedule set up and they will know the cost for the year.

Selectman Lacasse amended his motion to say up to \$90,000 of the revenues received from ambulance billing services, Vice Chairman Butt seconded.

Vice Chairman Butt said it covers the intent and allows them to collect money in the Special Revenue Fund. Chairman Clow said he is uncomfortable with the open end of up to \$90,000 and that they still have in existence the Special Revenue Fund that needs to be reworded to say money that is presently in there stays there and any money not used for EMTs goes into the Special Revenue Fund. Vice Chairman Butt said they are defining the revenue. Selectman Lacasse said it is automatic that the revenue goes into the Special Revenue Fund with up to \$90,000 going into the Revolving Fund. Vice Chairman Butt said they are using the portion of the revenue to cover the billing costs, they don't know the amount from year to year, they are stating to put up to \$90,000 into the Revolving Fund and the remainder will still go into the Special Revenue Fund.

Vice Chairman Butt said they can now say that the per diem EMTs, during the day, are self funded.

Selectman Lacasse moved, Selectmen Donison seconded to amend Article 11 to read as follows: Shall the Town establish an EMT/Firefighter Revolving Fund pursuant to RSA 31:95-h, for the purpose of funding per diem EMT/Firefighters? Up to \$90,000 of the revenues received from ambulance billing services will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general fund unreserved balance. The town treasurer shall have custody of

FINAL

all moneys in the fund, and shall pay out the same only upon order of the Board of Selectmen and no further approval is required by the town meeting to expend. Such funds may be expended only for the purpose for which the fund was created. Estimated tax impact = \$0

Passed 3-2-0 Selectman Osborne and Chairman Clow were opposed.

Selectman Lacasse said the article, as amended, is clearer than it was before. Chairman Clow said if it is legal, then it is clear.

Article 12 – Collective bargaining agreement for the Police Department Estimated tax impact = \$0.015

Article 13 – \$20,000 withdrawn from Cemetery Trust Fund Cy Pres Account Estimated tax impact = \$0.00

Article 14 – \$8,000 for fireworks Estimated tax impact = \$0.009

Article 15 – \$6,743.00 for the purpose of adding additional support staff hours at the Weare Public Library.
Estimated tax impact \$0.007

Article 16 – To change the purpose of the Weare Tricentennial Expandable Trust Fund
Estimated tax impact = \$0

Article 17 – \$20,000 to allow the Conservation Commission to secure contract services with the Town's Licensed Forester
Estimated tax impact = \$0

Article 18 – By Petition

Chairman Clow discussed that Article 12 will actually be a cost savings of \$10,000-\$12,000 to the town.

CORRESPONDENCE

Mrs. Bolton said the state has established a system for how to list names of contested positions on the warrant. The state chooses a letter to start the listings and this year the letter "N" was chosen.

Mrs. Bolton informed the Board that she has not received information from every committee to add to the Town Report. Chairman Clow suggested making phone calls to the individuals who can provide the information.

Selectman Osborne said that the Rescue Squad will be holding a coffee hour on Friday, January 29, 2010 at 6:00 at the Safety Complex. All members of the public are welcome to attend.

Chairman Clow said he attended the annual meeting of the Scenic Byway Committee and they are still looking for additional members, particularly a Board of Selectmen member. They meet quarterly and they will be meeting again in mid March.

Chairman Clow said the Finance Committee asked for a breakdown of wages for the police contract. They meet Wednesday evening and he would like the information made available to them.

The Board made the following list of who would present which article at the Deliberative Session:

Article 6 – Chairman Clow will present this article.

Article 7 – Vice Chairman Butt will present this article.

Article 8 – Selectman Donison will present this article.

Article 9 – Selectman Donison will present.

Article 10 – Chairman Clow will present.

Article 11 – Vice Chairman Butt will present; he feels the Board of Fire Wards needs to get directly involved.

Article 12 – Chairman Clow will present.

Article 13 – Selectman Donison will present.

FINAL

Article 14 – Selectman Osborne will present.

Article 15 – Trustees of the Library.

Article 16 – Selectman Osborne will present.

Article 17 – Chairman Clow will present and then invite the Conservation Commission to speak.

Article 18 – By Petition. The Moderator in the past has said the article will appear on the warrant as written.

Selectman Lacasse moved, Selectman Osborne seconded to recommend Article 6. Passed 5-0-0

Vice Chairman Butt moved, Selectman Lacasse seconded to recommend Article 7. Passed 5-0-0

Selectman Donison moved, Selectman Lacasse seconded to recommend Article 8. Passed 5-0-0

Selectman Donison moved, Selectman Osborne seconded to recommend Article 9. Passed 5-0-0

Selectman Lacasse moved, Selectman Osborne seconded to recommend Article 10. Passed 5-0-0

Chairman Clow moved, Selectman Donison seconded to recommend Article 12. Passed 5-0-0

Selectman Donison moved, Chairman Clow seconded to recommend Article 13. Passed 5-0-0

Selectman Osborne moved, Selectman Lacasse seconded to recommend Article 14. Passed 5-0-0

Chairman Clow moved, Selectman Osborne seconded to recommend Article 15. 5-0-0

Chairman Clow moved, Selectman Donison seconded to recommend Article 17. 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 9:05 p.m. pursuant to the authority granted in RSA 91-A:3II (e). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 9:20 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Selectman Donison moved to seal and restrict the minutes of the second non-public pursuant to the authority granted in RSA 91-A:3 II; Vice Chairman Butt seconded the motion. The motion passed.

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary